

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE TRANSPACIFIC PASSENGER AIR
TRANSPORTATION ANTITRUST
LITIGATION

Master File No. C 07-5634 CRB

MDL No. 1913

PRETRIAL ORDER #1

This Order Relates to:

ALL CASES

The Judicial Panel on Multidistrict Litigation (“the Panel”) has transferred to this Court certain antitrust lawsuits alleging the fixing of air passenger transpacific flights by Air New Zealand, All Nippon Airways, Cathay Pacific Airways, China Airlines, Eva Airways, Japan Airlines International, Malaysia Airlines, Northwest Airlines, Qantas Airways, Singapore Airlines, Thai Airways and United Airlines. The Court ORDERS as follows:

1. **APPLICABILITY OF ORDER** --- Prior to the initial pretrial conference and entry of a comprehensive order governing all further proceedings in this case, the provisions of this Order shall govern the practice and procedure in those actions that were transferred to this Court by the Panel. This Order also applies to all related cases filed in all divisions of the Northern District of California and all “tag-along actions” later filed in, removed to, or transferred to this Court.

2. CONSOLIDATION ---The civil actions transferred to this Court or related to the actions already pending before this Court are consolidated for pretrial purposes. Any “tag-along actions” later filed in, removed to, or transferred to this Court, or directly filed in the Northern District of California, will automatically be consolidated with this action without the necessity of future motions or orders. This consolidation does not constitute a determination that the actions should be consolidated for trial, nor does it have the effect of making any entity a party to any action in which he, she or it has not been named, served or added in accordance with the Federal Rules of Civil Procedure.

3. DATE OF MOTION FOR APPOINTMENT OF INTERIM CLASS COUNSEL---The Court will hear motions for appointment of interim class counsel on **Friday, March 28, 2008 at 10:00 a.m.** before Judge Charles R. Breyer in Courtroom 8, 19th Floor, United States Courthouse, 450 Golden Gate Avenue, San Francisco.

4. MASTER DOCKET FILE --- The Clerk of Court will maintain a master docket case file under the style “IN RE TRANSPACIFIC PASSENGER AIR TRANSPORTATION ANTITRUST LITIGATION” and under the identification “**C 07-5634 CRB.**” When a pleading is intended to apply to all actions, this shall be indicated by the words: “This Document Relates to: ALL ACTIONS.” When a pleading is intended to apply to fewer than all cases, this Court’s docket number for each individual case to which the document number relates shall appear immediately after the words “This Document Relates to.” In addition to the master file number, all pleadings shall include in the caption the MDL number: “MDL No. 1913.”

5. FILING --- This case is subject to Electronic Case Filing (“ECF”), pursuant to General Order 45, Section VI of which requires that all documents in such a case be filed electronically. General Order 45 provides at Section IV (A) that “Each attorney of record is obligated to become an ECF User and be assigned a user ID and password for access to the system upon designation of the action as being subject to ECF.” If she or he has not already done so, counsel shall register forthwith as an ECF User and be issued an ECF User ID and password. Forms and instructions can be found on the Court’s Web site at

ecf.cand.uscourts.gov.

All documents shall be e-filed in the master file, **C 07-5634 CRB**. Documents that pertain to one or only some of the pending actions shall *also* be e-filed in the individual case(s) to which the document pertains. If the document pertains to all pending actions it need only be filed in the master file, C 07-5634 CRB.

6. **DOCKETING NEW CASES** ---When an action that properly belongs as part of IN RE TRANSPACIFIC PASSENGER AIR TRANSPORTATION ANTITRUST LITIGATION is filed after the date of this Order in the Northern District of California or transferred here from another court, the Clerk of this Court shall:

- a. File a copy of this Order in the separate file for such action;
- b. Make an appropriate entry on the master docket sheet;
- c. Mail to the attorneys for the plaintiff in the newly filed or transferred case a copy of this Order;
- d. Upon the first appearance of any new defendant, mail to the attorneys for the defendant in such newly filed or transferred cases a copy of this Order.

7. **APPEARANCES** --- Counsel who appeared in a transferor court prior to transfer need not enter an additional appearance before this Court. Moreover, attorneys admitted to practice and in good standing in any United States District Court are admitted pro hac vice in this litigation, and the requirements of Northern District of California Local Rule 11-3 are waived. Association of local counsel is not required.

IT IS SO ORDERED.

Dated: March 17, 2008



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE